



STATE PROCUREMENT OFFICE
NOTICE OF REQUEST FOR EXEMPTION
FROM HRS CHAPTER 103D

12 DEC 13 A8:18

STATE PROCUREMENT OFFICE
STATE OF HAWAII
HAR-ED
2552.13

TO: Chief Procurement Officer

DATE: OCTOBER 24, 2012

FROM: Transportation
Name of Requesting Department

Pursuant to HRS § 103D-102(b)(4) and HAR chapter 3-120, the Department requests a procurement exemption for the following:

1. Describe the goods, services or construction:

Professional services are sought for re-design and construction administration (i.e., review of contractor submittals, answering Request for Information (RFI's), meetings, site visits, final inspections, assisting in plan revisions, and project close-out requirements) for Harbors Project No. H.C. 70007, Installation of Lift Station and Force Main, Port Allen Harbor, Kauai.

2. Vendor/Contractor/Service Provider:

AECOM Pacific, Inc. (AECOM)

3. Amount of Request:

\$ 20,000.00 (approx.)

4. Term of Contract From: CPO Approval

To: 10/2013 est.

5. Prior SPO-007, Procurement Exemption (PE):

6. Explain in detail, why it is not practicable or not advantageous for the department to procure by competitive means:

See Attachment 1, October 22, 2012.

7. Explain in detail, the process that will be or was utilized in selecting the vendor/contractor/service provider:

Harbors Division negotiated a proposed price for a revised scope of work with AECOM to incorporate Kauai Wastewater Management Division and Kauai Island Utility Cooperative revisions. Upon exemption approval, a new contract will be executed to accomplish the work. As the original consultant who designed the project, AECOM has the background knowledge, design familiarity and expertise required to complete the work expeditiously, efficiently and at a significant cost savings to the State. AECOM's existing knowledge as the original design consultant makes it practicable for the State to continue with their services. Engaging a new consultant would introduce their unfamiliarity with the design into the project, which would thereby increase costs, waste staff time & resources, and cause unnecessary delays.

8. Identify the primary individual(s) who is knowledgeable about this request, who will conduct and manage this process, and has 1) completed mandatory training; and 2) who may contact for follow up inquiry, if any.
(Type over "example" and delete cells not used.)

| Name of Department Personnel | Division/Agency | Phone Number | e-mail address |
|------------------------------|------------------|--------------|----------------------------|
| Jonathan Yee <i>Y</i> | Harbors Division | 587-1956 | jonathan.sw.yee@hawaii.gov |
| Carter Luke <i>CL</i> | Harbors Division | 587-1862 | carter.luke@hawaii.gov |

*All requirements/approvals and internal controls for this expenditure is the responsibility of the department.
I certify that the information provided above is, to the best of my knowledge, true and correct.*

[Signature]

Department Head Signature

DEC 11 2012

Date

For Chief Procurement Officer Use Only

Date Notice Posted: *12/13/12*

Submit written objection to this notice to issue an exempt contract within seven calendar days or as otherwise allowed from date notice posted to:

state.procurement.office@hawaii.gov

Chief Procurement Officer (CPO) Comments:

This request is disapproved. Department may utilize HRS §103D-304 to procure design services. If there are any questions, please contact Kevin Takaesu at 586-0568, or kevin.s.takaesu@hawaii.gov.

☐ Approved

☒ Disapproved

☐ No Action Required

[Signature] *1/7/2013*
Chief Procurement Officer Signature Date

Notice of and Request for Exemption from Chapter 103D, HRS
Attachment 1
October 22, 2012

8. Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

AECOM (formerly M&E Pacific, Inc., contract no. 52263) was the consultant who designed the project in 2006. Advertising & bidding, however, did not result in any qualified bidders, therefore, no construction contract was awarded.

Harbors Division's recent discussions with Kauai Wastewater Management Division (KWMD) and Kauai Island Utility Cooperative (KIUC) have revealed that due to policy and/or administrative changes, revisions to the project's original design are now required. Familiarity with the overall project will provide a revised design quickly and economically.

Because AECOM was the original consultant, Harbors Division has determined that it is not practicable nor advantageous for the State to select another consultant to complete KWMD and KIUC's revisions to the project's design and/or its construction administration for the following reasons:

1. Selection of another consultant will require the Harbors Division to expend staff time to solicit a consultant, negotiate a new contract, negotiate a fee, and execute a contract. This process could take a year or longer and take up valuable staff time.
2. Obtaining a new consultant will most likely cost \$100,000 in fees since they will not reuse AECOM's design. The cost for AECOM to revise the plans is \$18,000. This will result in a \$82,000 savings to the State.

Based on the above reasons, it is recommended to grant an exemption for AECOM to complete the design revision, and provide related construction administration services for this project. In addition, an extra \$2,000 should also be set aside for unanticipated issues that may arise during design or construction administration. Based on typical engineering activities and related costs, the \$2,000 is considered reasonable to address unanticipated issues. Therefore, a total of \$20,000 is requested as the amount for this exemption for AECOM to complete the work.

PE 13043K